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<sup>1</sup> Sean Murphy, "Coalition Laws and Transition Arrangements during Occupation Iraq," *The American Journal of International Law*, July 2004, 602 <http://www.proquest.umi.com/> (accessed 11 October 2007).

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OCCUPATION IRAQI FREEDOM: THE IMPORTANCE OF PLANNING

By

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The content of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature:

06 November 2007

## Abstract

### Occupation Iraqi Freedom: The Importance of Planning.

Security Council Resolution 1483 bound the United States by international law “to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people [could] freely determine their own political future.”<sup>2</sup> Despite the lack of an effective occupation plan to integrate the national instruments of power required to accomplish the objective, these new responsibilities would have to be addressed by the Combatant and Joint Force Commanders. The lack of an occupation plan had a major impact on how the Combatant Commander carried out Phases IV and V of Operation Iraqi Freedom and provides relevant lessons for future operations.

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<sup>2</sup> Sean Murphy, “Coalition Laws and Transition Arrangements during Occupation Iraq,” *The American Journal of International Law*, July 2004, 602 <http://www.proquest.umi.com/> (accessed 11 October 2007).

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*When historians seek to explain the course of politics and war at key decision points, they often resort to some version of path dependence, the idea that events move in a causal chain that is not easily reversible. The particular course of action that a leader, or a country, pursues initiates a chain reaction of events that prevents a return to the starting point and the implementation of an alternative course. A decision taken at a critical juncture sets in motion a trajectory of change in which, in the oft-repeated words of the economic historian Paul A. David, “one damn thing follows another.”*

Larry Diamond  
*Squander Victory*

## **INTRODUCTION**

On May 22, 2003, the United States and the United Kingdom were officially recognized by the United Nations Security Council as occupying powers in Iraq.<sup>3</sup> In the issuance of Security Council Resolution 1483, the United States was now bound by international law “to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people [could] freely determine their own political future.”<sup>4</sup> These new responsibilities would have to be addressed by the Combatant and Joint Force Commanders despite the lack of an effective occupation plan to integrate the national instruments of power required to accomplish the objective. The lack of an occupation plan had a major impact on how the Combatant Commander carried out Phases IV and V of Operation Iraqi Freedom and provides relevant lessons for future operations.

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<sup>3</sup>Sean Murphy, “Coalition Laws and Transition Arrangements during Occupation Iraq,” *The American Journal of International Law*, July 2004, <http://www.proquest.umi.com/> (accessed 11 October 2007), 602.

<sup>4</sup>Sean Murphy, “Coalition Laws and Transition Arrangements during Occupation Iraq,” *The American Journal of International Law*, July 2004, <http://www.proquest.umi.com/> (accessed 11 October 2007), 602.

Historically, the law of occupation focused more on the rights of the occupier and less on the care and treatment of the personnel of the occupied territory.<sup>5</sup> However, as it evolved, occupation law began to focus more on the people under occupation and less on the rights of the defeated state.<sup>6</sup> As such, many of the articles found within the Geneva and Hague Conventions are aimed at providing humanitarian services to the occupied population. It is for the provision of these services that the occupying power is most responsible and for which it is more liable.

For the military commander operating in an occupied territory, the stakes become very high. With a pen stroke, the commander goes from warrior to governor; becoming all things to all people. Thus was the case in Iraq. When assumptions failed and post-combat plans went awry, the military commander was left to lead an occupation that was never supposed to take place.<sup>7</sup> In light of the events that happened in Iraq, it is imperative that combatant force commanders include military occupation in the planning process to ensure the proper management of future conflicts.

## **ASSUMPTIONS**

Before discussing what happened in Iraq, it is necessary to look at the initial planning assumptions made concerning post-combat Iraq and the planning that took place. Looking at the assumptions will help to understand much of the post-combat events that helped to create the chaotic environment after the conclusion of combat operations.

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<sup>5</sup> Dorris A. Graber, *The Development of the Law of Belligerent Occupation 1863-1914* ( New York, NY: AMS Press, Inc, 1968), 287.

<sup>6</sup> Eyal Benvenisti, *The International Law of Occupation*, (Princeton, NJ: Princeton University Press, 1993), 6.

<sup>7</sup> Nora Bensahel, "Mission Not Accomplished: What Went Wrong with Iraqi Reconstruction." *The Journal of Strategic Studies*, vol 2, No 3, June 2006, <http://www.proquest.umi.com/> (accessed 11 October 2007), 454.

One assumption the American planners made about Iraq is that occupation of Iraq would not be required.<sup>8</sup> Senior policy-makers in the United States anticipated that the presence of troops would be viewed more as liberation and not occupation. This assumption had dire consequences when the United States declared themselves to be occupiers because there was no occupation plan in place to implement. In fact, in making this assumption, policy-makers “assumed away any major security problems or popular resistance in postwar Iraq.”<sup>9</sup> Unfortunately, time would show that this lack of operational planning would fall to the United States military to sort out.

A second critical assumption made by the United States government was that “the government (of Iraq) would continue to function after the ministers and their closest advisors were removed from power.”<sup>10</sup> Based on this assumption, policy-makers rationalized that reconstruction would not be necessary and that the United States would only need to provide support during a short transitional period.<sup>11</sup> Unfortunately, subsequent actions taken by the United States, nullified their own planning assumption.

## **THE OCCUPIER’S RESPONSIBILITIES UNDER OCCUPATION LAW**

As mentioned earlier, the law of occupation has evolved to be primarily concerned with the protection of the occupied civilian population.<sup>12</sup> Governing these concerns are the laws embodied in The Hague Regulations of 1907<sup>13</sup> and the Geneva

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<sup>8</sup>Nora Bensahel, “Mission Not Accomplished: What Went Wrong with Iraqi Reconstruction.” *The Journal of Strategic Studies*, vol 2, No 3, June 2006, <http://www.proquest.umi.com/> (accessed 11 October 2007), 456.

<sup>9</sup> Ibid, 457.

<sup>10</sup> Ibid, 457.

<sup>11</sup> Ibid, 459.

<sup>12</sup>Jim Friend, *Military Occupation and the Law of Armed Conflict: Discouraging Resistance*, Newport Papers, no 5009, Newport, RI: U.S. Naval War College, 20 August 2003.

<sup>13</sup>Gerhard Von Glahn, *The Occupation of Enemy Territory...A Commentary on the Law and Practice of Belligerent Occupation*, Minneapolis, MN: The University of Minnesota Press, 1957, pg 15,20.

Convention of 1949.<sup>14</sup> While the focus of the Hague Regulations was primarily to preserve the sovereignty of the state, it did address to some extent the safety and security of the population.<sup>15</sup> For example, Article 43 of the Hague Regulations state that the occupying government “shall take all measures in his power to restore, and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.”<sup>16</sup> While it can be seen that the article is concerned with ensuring that the occupying country does not interfere with the laws governing the land unless necessary, it also binds the occupying power to address the restoration of order and security for the inhabitants.<sup>17</sup>

While The Hague Regulations elevate the sense of preserving the rights of the sovereign, the Geneva Convention focuses more on reducing the suffering of the population.<sup>18</sup> Responsibilities of the occupying power concerning the reduction of suffering to the indigenous population are established in the Fourth Geneva Convention. These articles drive the military commander to clearly defined roles, missions, and tasks, once occupation is declared.

Before examining on the humanitarian laws embodied in the Geneva Convention, it is necessary to further explore Article 43 of the Hague Regulations. While the broad purpose of the Article is to ensure the restoration of order and security, the implications

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<sup>14</sup> Gerhard Von Glahn, *The Occupation of Enemy Territory...A Commentary on the Law and Practice of Belligerent Occupation*. (Minneapolis, MN: The University of Minnesota Press, 1957), 20.

<sup>15</sup> Nicolas R Lancaster, “Occupation Law, Sovereignty, and Political Transformation: Should the Hague Regulations and the Fourth Geneva Convention still be considered Customary International Law?”, *Military Law Review*, Fall 2006, <http://web.lexis-nexis.com/universe/printdoc/> (accessed 27 September 2007).

<sup>16</sup> Nicolas R Lancaster, “Occupation Law, Sovereignty, and Political Transformation: Should the Hague Regulations and the Fourth Geneva Convention still be considered Customary International Law?”, *Military Law Review*, Fall 2006, <http://web.lexis-nexis.com/universe/printdoc/> (accessed 27 September 2007).

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.



of the requirement are far reaching. That is to say, without the restoration of order it is very difficult to enact humanitarian laws and establish humanitarian programs to help the population.<sup>19</sup> This was clearly demonstrated in Operation Iraqi Freedom. The United States' failure to take appropriate and immediate action "to prevent and stop the looting of critical hospitals, schools, power plants, government buildings, and other infrastructure facilities in Baghdad and other major metropolitan areas" proved to be a great hindrance to providing for the needs of the Iraqi people.<sup>20</sup>

After restoring order, the next critical step for an occupying power is to provide for the "general welfare" of the population.<sup>21</sup> In accordance with Article 55 of the Geneva Convention, "the occupying power has the duty of ensuring the food and medical supplies of the population, [and] it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate."<sup>22</sup> The United States government had no plan for occupation which compromised the security situation from the beginning. The United States not only failed to provide such security and humanitarian services, but the lack of security also prevented the United Nations and other relief organizations from providing much need humanitarian needs to the Iraqi people.<sup>23</sup>

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<sup>19</sup> Samer Shehata, "Losing Hearts and Minds: Understanding America's Failure in Iraq," *Georgetown Journal of International Affairs*, Vol. 6, Issue 1, Winter 2005. <http://proquest.umi.com/> (accessed 3 October 2007).

<sup>20</sup> David J Scheffer, "Beyond Occupation Law," *The American Journal of International Law* 97, no. 5, 1 October 2003, <http://www.proquest.umi.com/> (accessed 10 October 2007).

<sup>21</sup> Jim Friend, *Military Occupation and the Law of Armed Conflict: Discouraging Resistance*, Newport Papers, no 5009, Newport, RI: U.S. Naval War College, 20 August 2003.

<sup>22</sup> UNhchr, Geneva Conventions relative to the Protection of Civilian Persons in Time of War, <http://www.unhchr.ch/html/menu3/b/92.htm>. (Accessed 9/30/2007)

<sup>23</sup> David J Scheffer, "Beyond Occupation Law" *The American Journal of International Law* 97, no.5, 1 October 2003, <http://www.proquest.umi.com/> (accessed 10 October 2007).

The third critical step is the timely restoration of “water, sewage, and electricity services ...thus maintain[ing] public health and hygiene and prevent[ing] the spread of contagious diseases.”<sup>24</sup> In accordance with Article 56 of the Geneva Convention, “the occupying power has the duty of ensuring and maintaining, ...the public health and hygiene in the occupied territory with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics.”<sup>25</sup> Unfortunately, this was one of the major shortfalls for the United States during post-combat restoration in Iraq. The United States inability to supply clean water and electricity to the Iraqi population was not only seen as a failure to meet its responsibilities by law, but was also a constant source of criticism and suspicion for the Iraqi people.<sup>26</sup> Additionally, because the United States Government could not provide for the needs and security of the Iraqi population, this created a vacuum in the governance of the country, which contributed to conditions supporting insurgency.

Although there are several other provisions within occupation law that focus on providing for the humanitarian needs of the occupied population, Article 43 of The Hague Regulations and Article 55 of The Geneva Convention had the most impact on post-combat Iraqi conditions. The United States Government’s failure to provide the very basic needs of security and humanitarian services in post-combat Iraq dictated how military commanders executed the mission. Despite the requirement to provide all of the

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<sup>24</sup> David J Scheffer, “Beyond Occupation Law” *The American Journal of International Law* 97, no.5, 1 October 2003, <http://www.proquest.umi.com/> (accessed 10 October 2007).

<sup>25</sup> UNhchr, Geneva Conventions relative to the Protection of Civilian Persons in Time of War, <http://www.unhchr.ch/html/menu3/b/92.htm>. (Accessed 9/30/2007)

<sup>26</sup> Samer Shehata, “Losing Hearts and Minds: Understanding America’s Failure in Iraq,” *Georgetown Journal of International Affairs*, Vol. 6, Issue 1, Winter 2005. <http://proquest.umi.com/> (accessed 3 October 2007).

above humanitarian needs, the United States decided to take other steps to restore order in Iraq.

## **THE UNITED STATES ACTIONS AS OCCUPIERS**

While the United States' efforts to supply the needs of the Iraqi people immediately after post-hostilities fell short, there was an initial planning effort that attempted to provide for the humanitarian needs of the population. However, in May 2003, apparently the United States' focus shifted from helping the people to "eradicating Saddamism."<sup>27</sup> On May 5, 2003, Ambassador L. Paul Bremer III was named as the Iraqi civilian administrator for post-combat operations.<sup>28</sup> The actions taken by Ambassador Bremer in his first few days were not only questionable by legal standards,<sup>29</sup> but also had a major impact on the tools available to the military commander to accomplish post-combat duties in Iraq required by the law.

One of the first actions taken by Ambassador Bremer was the issuance of Coalition Provisional Authority (CPA) Order Number One, on May 16, 2003.<sup>30</sup> This order called for the "de Baathification" of the Iraqi society.<sup>31</sup> All personnel identified as Baathist leaders were "removed from their positions and banned from future employment in the public sector."<sup>32</sup> The issuance of this order had a massive impact on post-combat

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<sup>27</sup> Thomas E. Ricks, *Fiasco: The American military adventure in Iraq*, (New York, NY: Penguin Press, 2006), 158.

<sup>28</sup> Larry Diamond, *Squandered Victory - The American Occupation and the Bungled Effort to Bring Democracy to Iraq*, (New York, NY: Henry Holt and Company, LLC, 2005), 36.

<sup>29</sup> Michael N. Schmitt and Charles H.B. Garraway, "Occupation Policy in Iraq and International Law," *In The Yearbook of International Peacekeeping Operations, Volume 9*, edited by Harvey Langholz et al. (Boston: Martinus/Nijhoff Publishers, 2003), 28,61.

<sup>30</sup> Thomas E. Ricks, *Fiasco: The American military adventure in Iraq*, (New York, NY: Penguin Press, 2006), 158.

<sup>31</sup> Iraq Coalition, Coalition Provisional Authority Order Number 1. [http://www.iraqcoalition.org/regulations/20030516\\_CPAORD\\_1\\_De-Baathification\\_of\\_Iraqi\\_Society\\_.pdf](http://www.iraqcoalition.org/regulations/20030516_CPAORD_1_De-Baathification_of_Iraqi_Society_.pdf) (accessed 3 November 2007).

<sup>32</sup> Thomas E. Ricks, *Fiasco: The American military adventure in Iraq*, (New York, NY: Penguin Press, 2006), 158 -159.

humanitarian efforts, crippling the country. In essence by eliminating the Baathists from the public sector, the order effectively eliminated many if not all of the people who had knowledge of how the infrastructure functioned, including everything “from electricity to water to transportation.”<sup>33</sup>

On May 23, 2003 Ambassador Bremmer issued CPA Order Number Two, which called for the dissolution of all Iraqi governmental entities.<sup>34</sup> This order not only dissolved the Iraqi armed forces, it also disbanded the police and domestic security forces, which were necessary for maintaining order. Additionally, this order led to the unemployment of approximately 300-400,000 personnel, causing a huge economic impact and erected another barrier to accomplishing the humanitarian tasks that are required by law as occupiers.<sup>35</sup>

The final crucial decision made by Ambassador Bremmer was to delay the turnover of the Iraqi government to the Iraqi people. Despite previous plans to quickly establish an Iraqi government, Ambassador Bremmer elected to retain control and to institute an interim non-elected governing body in Iraq.<sup>36</sup> Unfortunately, the interim body was not allowed to fully participate in or even provide significant input into the transition process.<sup>37</sup> Again, these actions played a role in limiting how the military commander could carry out occupation activities during phases four and five.

While Ambassador Bremmer’s actions were aimed at helping to establish order and security, it can arguably be said that they had the opposite effect. Unfortunately,

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<sup>33</sup> Thomas E. Ricks, *Fiasco: The American military adventure in Iraq*, (New York, NY: Penguin Press, 2006), 158 -159.

<sup>34</sup> *Ibid*, 162.

<sup>35</sup> *Ibid*, 161.

<sup>36</sup> *Ibid*, 165

<sup>37</sup> Larry Diamond, *Squandered Victory - The American Occupation and the Bungled Effort to Bring Democracy to Iraq*, (New York, NY: Henry Holt and Company, LLC, 2005), 255.

decisions to de-Baathify the Iraqi society and to eliminate the existing security structure, coupled with the extended occupation of United States, served to “radically undercut social stability and buil[d] opposition to the American presence.”<sup>38</sup>

## **ALTERNATIVES UNDER OCCUPATION LAW**

Instead of dismissing thousands of people from work, the United States could have leveraged Article 51 of Geneva Convention IV. In accordance with Article 51, “the occupying power may.. compel protected persons to work (if) they are over eighteen years of age, and ..only on work which is necessary either for..the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country.”<sup>39</sup> In other words, the occupied population can be compelled to assist in restoring order and providing for the basic needs of the society. In Iraq, employing this provision would have served the United States well. Through a process of “vet and reform,”<sup>40</sup> members of the Iraqi society who had the “skills sets to match what was needed to be done” could have been used to help restore order, security, and basic human needs for the Iraqi people.<sup>41</sup>

Another option available to the United States to help control the violence that ensued during post-combat Iraq is embodied in Article 49 of the Geneva Convention. The “occupying power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons ..demand.”<sup>42</sup> Despite the

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<sup>38</sup> Thomas E. Ricks, *Fiasco: The American military adventure in Iraq*, (New York, NY: Penguin Press, 2006), 165.

<sup>39</sup> UNhchr, Geneva Conventions relative to the Protection of Civilian Persons in Time of War. <http://www.unhchr.ch/html/menu3/b/92.htm>. (Accessed 9/30/2007).

<sup>40</sup> Thomas E. Ricks, *Fiasco: The American military adventure in Iraq*, (New York, NY: Penguin Press, 2006), 163.

<sup>41</sup> Ibid, 161.

<sup>42</sup> UNhchr, Geneva Conventions relative to the Protection of Civilian Persons in Time of War. <http://www.unhchr.ch/html/menu3/b/92.htm>. (Accessed 9/30/2007).

violence that occurred in many parts of Iraq, the United States opted not to relocate the population, making it difficult to establish effective “safe/green zones.”<sup>43</sup>

## THE COMMANDER’S CHALLENGE

The combination of poor pre-war assumptions, the counter-productive actions taken by Ambassador Bremer, and the heavy responsibility for human welfare required by occupation law made the job of the military commander in Iraq very complex. In postwar Iraq, the role of the military was far from traditional. Military members were not only called upon to serve as warriors, but to help stabilize the country through humanitarian services and reconstruction of the country, which are primarily civilian tasks.<sup>44</sup> Since in most cases military personnel were not trained in these areas, the skills necessary to accomplish these tasks were not readily available to the military commander.<sup>45</sup>

Because of the lack of solid operational planning, subordinate military commanders in Iraq often took it upon themselves to initiate reconstruction efforts as a way to connect “with [the] local community and to assist them with their urgent needs.”<sup>46</sup> Undertakings such as “drilling water wells, repairing power plants, and building schools,” became part of the responsibilities of the troops in post-combat Iraq.<sup>47</sup> Each of these tasks would normally be accomplished by a civilian branch of the government which

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<sup>43</sup> Operational Law and Occupational Law, <http://faculty.ncwc.edu/toconnor/430/430lect06.htm>.

<sup>44</sup> Nora Bensahel, “Mission Not Accomplished: What Went Wrong with Iraqi Reconstruction,” *The Journal of Strategic Studies*, vol 2, No 3, June 2006, <http://www.proquest.umi.com/> (accessed 11 October 2007), 468.

<sup>45</sup> Ibid, 468.

<sup>46</sup> Ibid, 465.

<sup>47</sup> Nora Bensahel, “Mission Not Accomplished: What Went Wrong with Iraqi Reconstruction,” *The Journal of Strategic Studies*, vol 2, No 3, June 2006, <http://www.proquest.umi.com/> (accessed 11 October 2007), 468.

unfortunately was not sufficiently represented among United States' personnel in post-combat Iraq.<sup>48</sup>

Additionally, the United States military found themselves participating in tasks beyond their usual military involvement of reconstruction. Service members were tasked to establish "city councils, justice procedures, and local budgets and spending priorities."<sup>49</sup> While the United States Government's Coalition Provisional Authority attempted to exert influence on local governance systems, it was the Department of Defense' military that had the resources and local experience to help establish order within the system.<sup>50</sup> These two separate efforts led to lack of a cohesive national policy, because each military commander established his own policies for their area.<sup>51</sup>

The military also found itself involved in good will missions. In their efforts to maintain order and establish trust, military personnel were also utilized to distribute toys, hygiene products,<sup>52</sup> and candy to children.<sup>53</sup> Though this is not part of the traditional role of the military, it was a positive step towards the United States' desired end state of winning the hearts and minds of the Iraq people.

While much can be said as how the United States military found itself in the position of filling many non-traditional roles often filled by civilians, the fact remains that occupation was one that they had to embrace. For the military commander whose focus is more on winning the combat effort than reconstruction, Iraq no doubt presented challenges from what rules of engagement to employ to what system of governance and

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<sup>48</sup> Ibid, pg 464.

<sup>49</sup> Ibid, pg 465.

<sup>50</sup> Ibid, pg 464.

<sup>51</sup> Ibid, pg 465.

<sup>52</sup> Sue A. Lackey, "Hearts and Minds," *Sea Power*, Vol. 48, Issue 9, September 2005, <http://www.proquest.umi.com/> (accessed 10 October 2007).

<sup>53</sup> Pape, Jason M, "Winning with the People in Iraq," *Armor*, 1 March 2005, <http://www.proquest.umi.com/> (accessed 10 October 2007).

economics to implement. Because of lack of expertise, involving the military in creating the internal workings of a government is a significant problem especially when exacerbated by a lack of planning. What is of even more concern is that this may become a permanent military role. Managing occupation is the challenge which faces the military commander in the future.

## **LESSONS LEARNED**

There are several lessons regarding occupation from the United States' involvement in Iraq. The first is to better assess the impact planning assumptions may have on the conduct of an operation. "Assumptions provides ..supposition about the current situation or future course of events, [and are] assumed to be true in the absence of facts."<sup>54</sup> In the planning process, assumptions are very important because they "enable the commander to complete an estimate of the situation [by] addressing gaps in knowledge [which is] critical for the planning process to continue."<sup>55</sup> To ensure an optimum plan, assumptions must be "replaced with facts as soon as possible."<sup>56</sup>

While assumptions are part of every planning process, the possibility that those assumptions may not hold true must be constantly reviewed.<sup>57</sup> A good example of this in Operation Iraqi Freedom is the faulty political thinking that United States' forces would be viewed as liberators and not occupiers.<sup>58</sup> While on the surface this assumption seemed harmless, the inference associated caused major issues in Iraq.<sup>59</sup> The assumptions

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<sup>54</sup> U.S. Office of the Chairman of the Joint Chiefs of Staff, Joint Operations, Joint Publication (JP) 5-0, Washington, D.C.: CJCS, 26 December 2006, III-26.

<sup>55</sup> Ibid, III-26

<sup>56</sup> Ibid, III-26

<sup>57</sup> Ibid, III-26

<sup>58</sup> Thomas E. Ricks, *Fiasco: The American military adventure in Iraq*, (New York, NY: Penguin Press, 2006), 151.

<sup>59</sup> Nora Bensahel, "Mission Not Accomplished: What Went Wrong with Iraqi



facilitated a “hands-off” mentality for military commanders, thus giving way to an environment of non-security in post-combat Iraq.<sup>60</sup>

The second lesson is that establishing security for the population in the post-combat environment is required before humanitarian efforts can begin. By security it should be understood that it does not only involve security of United States forces, but the “safety of the ordinary citizen.”<sup>61</sup> In Iraq, the United States failed to plan for establishing security and this allowed the Iraqi society to plunge into chaos.<sup>62</sup> This lack of planning created an atmosphere in which the Iraqi people distrusted the United States forces which further complicated coalition efforts to accomplish the mission.

The third lesson is that military commanders must leverage all articles under occupation law. When in an occupation status, the military commander “has both the legal power and the duty to ensure public order, peace, and safety.”<sup>63</sup> To fulfill this duty, military commanders must be familiar with the articles of occupation law, as well as exploit the articles that will help to accomplish the mission. Occupation law should be examined in the planning stages of an operation, which will allow for the proper development of necessary branch and sequel plans.

The fourth lesson is that proper planning is essential to any operation. “Joint operation planning is an adaptive process..[which] contains a variety of viable, embedded

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Reconstruction,” *The Journal of Strategic Studies*, vol 2, No 3, June 2006, <http://www.proquest.umi.com/> (accessed 11 October 2007), 458.

<sup>60</sup>Thomas E. Ricks, *Fiasco: The American military adventure in Iraq*, (New York, NY: Penguin Press, 2006), 151.

<sup>61</sup> Samer Shehata, “Losing Hearts and Minds: Understanding America’s Failure in Iraq,” *Georgetown Journal of International Affairs*, Vol. 6, Issue 1, Winter 2005. <http://proquest.umi.com/> (accessed 3 October 2007).

<sup>62</sup>Thomas E. Ricks, *Fiasco: The American military adventure in Iraq*, (New York, NY: Penguin Press, 2006.), 151.

<sup>63</sup> Julius Stone, *Legal Controls of International Conflict: A Treatise on the Dynamics of Disputes and War-Law*, (New York, NY: Rinehart & Company INC., 1954), 699.

options.. to [be] considered as ..situation[s] develop.”<sup>64</sup> Additionally, planning requires the military commander to coordinate with non-government organizations, inter-government organizations and multination partners to develop a plan to meet the objective.<sup>65</sup> Through effective planning, the military commander can ensure all responsibilities under occupation law are addressed and the necessary resources are allocated to accomplish objectives.

## **RECOMMENDATIONS**

The lessons learned regarding occupation in Iraq point to several recommendations that must be incorporated into joint doctrine for future military operations involving post-combat actions. The first recommendation is that branch plans need to be prepared in case assumptions prove not to be true. A branch plan as defined by Joint Publication 5-0 is a “contingency option built into the base plan. [It] is used for changing the mission, orientation, or direction of movement of a force to aid success of the operation based on anticipated events, opportunities, or disruptions caused by enemy actions and reactions.”<sup>66</sup> While the United States did developed post-combat plans for humanitarian relief and reconstruction, there were no branch plans to address what to do if the assumptions were wrong.<sup>67</sup> In fact, it was the assumptions that “drove [the] United States government planning efforts.”<sup>68</sup> In Iraq, had there been a branch plan to address

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<sup>64</sup> U.S. Office of the Chairman of the Joint Chiefs of Staff, Joint Operations, Joint Publication (JP) 5-0, Washington, D.C.: CJCS, 26 December 2006, I-11.

<sup>65</sup> U.S. Office of the Chairman of the Joint Chiefs of Staff, Joint Operations, Joint Publication (JP) 5-0, Washington, D.C.: CJCS, 26 December 2006, I-11.

<sup>66</sup> Ibid, GL-6

<sup>67</sup> Nora Bensahel, “Mission Not Accomplished: What Went Wrong with Iraqi Reconstruction,” *The Journal of Strategic Studies*, vol 2, No 3, June 2006, <http://www.proquest.umi.com/> (accessed 11 October 2007), 458.

<sup>68</sup> Ibid, 458.

the possibility that assumptions would not become fact, the military commander could have addressed the occupation and security issues that were faced in Iraq.

Also, military commanders must quickly create the required security conditions that will allow non-government organizations to provide services. In a post-combat occupation environment, inter-governmental and non-governmental agencies are more equipped and trained to provide the necessary assistance required by the population.<sup>69</sup> “These organizations have the expertise [to] rapidly respond to crises, identify needs, distribute aid, provide essential services, and promote long-term development.”<sup>70</sup> In order to provide this assistance, the relief agencies depend on the military to (1) restore order, (2) enforce peace, and (3) protect humanitarian assistance from belligerent obstruction.<sup>71</sup> Unfortunately, in Iraq, the military commander failed to do this, and as a result, the military was “engaged in quasi-humanitarian and reconstruction activities for which they were inadequately prepared.”<sup>72</sup> To prevent this from occurring in the future, military commanders must coordinate more effectively with non-government agencies and incorporate their expertise in the planning process.<sup>73</sup>

The third recommendation is that inter-governmental and non-governmental organizations must be included in the early stages of the planning process. While there are several barriers of communication between the military and non-governmental

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<sup>69</sup> Daniel Byman, Ian Lesser, Bruce Pirnie, Cheryl Benard, and Matthew Waxman, *Strengthening the Partnership: Improving Military Coordination with Relief Agencies and Allies in Humanitarian Operation*, Newport Paper, no 2049, Newport, RI, U.S. Naval War College, 2000, 27.

<sup>70</sup> Daniel Byman, Ian Lesser, Bruce Pirnie, Cheryl Benard, and Matthew Waxman, *Strengthening the Partnership: Improving Military Coordination with Relief Agencies and Allies in Humanitarian Operation*, Newport Paper, no 2049, Newport, RI, U.S. Naval War College, 2000, 73.

<sup>71</sup> Ibid, 27.

<sup>72</sup> James K. Bishop, *Combat Role Strains Relations Between American's Military and Its NGO*, Newport Papers, no 2048, Newport, RI: U.S. Naval War College, Summer 2003.

<sup>73</sup> Daniel Byman, Ian Lesser, Bruce Pirnie, Cheryl Benard, and Matthew Waxman, *Strengthening the Partnership: Improving Military Coordination with Relief Agencies and Allies in Humanitarian Operation*, Newport Paper, no 2049, Newport, RI, U.S. Naval War College, 2000, pg 73.

organizations, it is imperative that military commanders find ways to overcome these barriers, and incorporate these organizations into the planning process.<sup>74</sup> By effectively incorporating the inter-governmental and non-governmental organizations in the planning process, the military can focus more on the combat effort and allow the other organizations to focus on the humanitarian efforts required for post-combat.<sup>75</sup>

To help the Combatant Commander achieve this objective, the Department of Defense developed the Joint Interagency Coordination Groups (JIACG).<sup>76</sup> A JIACG seeks to improve planning and coordination between governmental agencies by establishing operational connections.<sup>77</sup> Through information sharing and day-to-day planning, the JIACG provides the Commander with a plan that best utilizes the capabilities of all agencies involved.<sup>78</sup> From this planning, the commander is able to bring to bear the “best mix of capabilities to achieve the desired effects that include the full range of diplomatic, information, and economic interagency activities.”<sup>79</sup>

The final recommendation is to ensure those with authority keep the end state in mind when making decisions. While de-Baathification and the dissolution of the Iraqi army may have seemed to be logical steps to “eradicate Saddism,” in the long run, it pushed the United States further from its end-state of making a “violent society a peaceful nation.”<sup>80</sup> Additionally, Ambassador Bremmer’s decision to focus more on the economic and political aspects of restoring Iraq, rather than meeting the basic human

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<sup>74</sup> Daniel Byman, Ian Lesser, Bruce Pirnie, Cheryl Benard, and Matthew Waxman, *Strengthening the Partnership: Improving Military Coordination with Relief Agencies and Allies in Humanitarian Operation*, Newport Paper, no 2049, Newport, RI, U.S. Naval War College, 2000, pg 101.

<sup>75</sup> Ibid, 73.

<sup>76</sup> Ibid, 39.

<sup>77</sup> Ibid, 40.

<sup>78</sup> Ibid, 40.

<sup>79</sup> Ibid, 40.

<sup>80</sup> James Dobbins, Seth G. Jones, Keith Crane, and Beth Cole DeGrasse. *The Beginner’s Guide to Nation-Building*, (Santa Monica, CA: RAND corporation, 2007), xxiii.

security needs of the population, did not serve to further the United States quest towards its end state and missed the mark in regards to addressing occupation responsibilities.

The first priorities in nation-building “are [to achieve] public security and humanitarian assistance. If the most basic human needs for safety, food, and shelter are not being met, any money spent on political or economic development is likely to be wasted.”<sup>81</sup>

Proper planning is essential for an effective and successful operation. It ensures the efficient “mobilization, deployment, employment, and sustainment of forces”<sup>82</sup> and the development of necessary branch plans to address changes to the mission. The rules and responsibilities dictated by occupation law make planning even more important. As Combatant Commanders move into Phase IV and V of the operations, a clearly defined, mission and task orient plan, that includes the possibility of occupation, is needed to accomplish the objectives.

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<sup>81</sup> James Dobbins, Seth G. Jones, Keith Crane, and Beth Cole DeGrasse. *The Beginner's Guide to Nation-Building*, (Santa Monica, CA: RAND corporation, 2007), xxiii.

<sup>82</sup> U.S. Office of the Chairman of the Joint Chiefs of Staff. Joint Operations, Joint Publication (JP) 5-0, Washington, D.C.: CJCS, 26 December 2006, xiii.

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